

Notice of Allowability

Application No.

10/061,898

Applicant(s)

SLONE ET AL.

Examiner

Daniel S. Metzmaier

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed Oct 20, 2003 & Interview dated Oct 28, 2003.
 2. ☒ The allowed claim(s) is/are 1-3, 6, 8-13, 16, 18-22, 25 and 27-36.
 3. ☐ The drawings filed on _____ are accepted by the Examiner.
 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
 6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>1003</u> . |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>0803</u> . | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input checked="" type="checkbox"/> Other See Continuation Sheet. |

EXAMINER'S AMENDMENT

Claims 1-3, 6, 8-13, 16, 18-22, 25 and 27-36 are allowed. This action is responsive to applicants Amendment After Final filed October 20, 2003. Claims 1, 8-10 and 18-19 have been amended and claims 4-5, 7, 14-15, 17 and 37 have been canceled by this examiner's amendment.

Information Disclosure Statement

1. The Information Disclosure Statement filed August 1, 2003 appears to have crossed in the mail with the Final Office Action. It was not considered at the time of the Final Office Action but was filed prior to the mailing of the Final Office Action. Said IDS provides a statement as specified in 37 CFR 1.97(e) and a fee for \$180 was charged August 1, 2003.

The references cross off the Form PTO-1449 have been considered and are already of record and have been crossed through as duplicates. See The Form PTO-1449 dated February 1, 2002.

A corrected copy of the Form PTO-1449 filed 02/01/2002 is enclosed. The Swiss 0 313 159 with a proper date is cited in Applicants' later August 1, 2003 filed IDS.

Examiner's amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Leach on October 28, 2003.

The application has been amended as follows:

In claim 1, line 11 (formula is considered one line); delete "independently selected from hydrogen or".

Cancel claims 4, 5 and 7 without prejudice or disclaimer.

In claim 8, lines 1 and 2; delete "independently selected from hydrogen or".

In claim 9, lines 1 and 2; delete "independently selected from hydrogen or".

In claim 10, line 11 (formula is considered one line); delete "independently selected from hydrogen or".

Cancel claims 14, 15 and 17 without prejudice or disclaimer.

In claim 18, lines 1 and 2; delete "independently selected from hydrogen or".

In claim 19, line 11 (formula is considered one line); delete "independently selected from hydrogen or".

Cancel claim 37 without prejudice or disclaimer.

Reasons for allowance

3. The following is an examiner's statement of reasons for allowance: attention is directed to paragraphs numbered 9 and 10 of the Final Office Action mailed August 21, 2003 and paragraphs numbered 18-20 of the Office Action mailed February 21, 2003.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (703) 308-0451. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson can be reached on (703) 308-2340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Daniel S. Metzmaier
Primary Examiner
Art Unit 1712

DSM